

REMARKS

Claims 1-20 are pending in this Application. Applicant has amended claims 5 and 12, and added new claims 14-20. No new matter is added.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Claims 1-2, 4-6, and 8-13 stand rejected under 35 U.S.C. §102(e) as being anticipated by Guo et al. (US 2004/0168051, and hereinafter “Guo”). Claims 3, 7, 9, and 10 stand rejected under 35 U.S.C. §102(e) as being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as being unpatentable over Guo in view of O’Neill (US 2005/0207340).

Applicant respectfully traverses these rejections in the following discussion.

I. THE CLAIMED INVENTION

The claimed invention (e.g., as defined by exemplary claim 1) is directed to a mobile communication network system.

The mobile communication network system includes a mobile communication network, a plurality of external networks, a plurality of mobile terminals, a plurality of gateways for connecting the external networks and the mobile communication network, and a plurality of radio access points for connecting the mobile terminals to the mobile communication network. When packets are transmitted and received between the mobile terminals, the packets are communicated by way of virtual networks that are provided to correspond to each of the external networks on the mobile communication network.

In a conventional mobile communication network system, as described in the Background of the present Application, tunnels are set between mobile terminals and the gateways with external networks, and all communication is realized by way of these tunnels. When communication is implemented between mobile terminals, packets transmitted by the mobile terminals are transmitted to the gateways with the external networks by way of the tunnels, and then again returned to the mobile terminals of the communication partners from the gateways with the external networks by way of the tunnels (e.g., see Application at page

2, lines 6-12).

As a result this process, the technology of the conventional mobile communication network system suffers from problems like considerable delay of the packets and poor efficiency of circuit use due to wasted bandwidth within the mobile communication network (e.g., see Application at page 2, lines 13-15).

The claimed invention, however, provides a mobile communication network system includes a plurality of external networks and a plurality of gateways for connecting the external networks and a mobile communication network, wherein when packets are transmitted and received between the mobile terminals, the packets are communicated by way of virtual networks that are provided to correspond to each of the external networks on the mobile communication network (e.g., see Application at page 4, line 21 – page 5, line 4).

As a result of this arrangement, packets no longer need to be transferred by way of external network gateways, and the efficiency of circuit use of the access network is improved (e.g., see Application at page 5, lines 18-20).

II. 35 U.S.C. 112, SECOND PARAGRAPH REJECTION

In rejecting claims 5 and 12, the Examiner alleges that the claims are indefinite for failing to particularly point out the invention.

Applicant has amended the claims in a manner believed fully responsive to all points raised by the Examiner.

Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection.

III. THE PRIOR ART REJECTIONS

A. The 102(e) Guo rejection

The Examiner alleges that Guo teaches claims 1-2, 4-6, and 8-13. Applicant respectfully submits, however, that the alleged reference does not teach or suggest each and every feature of the claimed invention.

First, Applicant points out that Guo was patented in the United States on February 26, 2003, which is after the foreign priority date of April 25, 2002 for this application. Applicant will shortly file a verified translation of the priority document to perfect the priority date/claim and to remove Guo as a reference. Thus, the rejection of claims is rendered moot.

Second, even assuming *arguendo* that Guo is a prior art reference against the claimed invention, Guo does not teach or suggest, “when packets are transmitted and received between said mobile terminals, the packets are communicated by way of virtual networks that are provided to correspond to each of said external networks on said mobile communication network,” (emphasis added by Applicant) as recited in claim 1, and similarly recited in claims 2 and 6.

The Examiner alleges that Guo teaches the claimed mobile communication network system. Specifically, the Examiner attempts to analogize routing a session of Guo to the claimed transmitting and receiving packets between mobile terminals (e.g., see Office Action at page 4, lines 4-19). The Examiner, however, is clearly incorrect.

Indeed, Guo teaches, “[t]o set up a data session, a mobile end user utilizing a mobile node (MN) 230 must first connect to a MAP 208, which then routes the session towards the destination CPE through an appropriately provisioned IPSG. Thus, a network-based mobile VPN service mobile data session originates from an MN 230 to a MAP 208, and is then routed through a particular IPSG 206 to the enterprise CPE 222” (emphasis added by Applicant) (see Guo at paragraph [0030]). Indeed, the alleged destination CPE of Guo is part of the customers’ sites A, B, and C (see Guo at Fig. 2), which the Examiner attempts to analogize to the claimed external network (Office Action at page 3, section 8, line 6), not another mobile terminal (between mobile terminals) as claimed in the claimed invention. Therefore, instead of teaching or suggesting applying virtual networks for transmitting and receiving packets between mobile terminals, Guo teaches using the alleged virtual networks to transfer a packet between a mobile terminal and external networks. Thus, Guo fails to teach or suggest claims 1, 2, and 6.

Indeed, Guo has a different structure and is for a different purpose compared to the claimed system, and has many of the same deficiencies of the conventional systems, as described in the Background of the present Application.

Therefore, the Applicant respectfully submits that Guo fails to teach or suggest each element of Applicant’s claimed invention. Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection.

B. The 103(a) Guo and O’Neill rejection

In rejecting claims 3, 7, 9, and 10, the Examiner alleges that Guo teaches the claimed

invention, or in the alternative, one of ordinary skill in the art would have combined Guo with O'Neill to render obvious the claimed invention. Applicant respectfully submits, however, that the alleged references would not teach or suggest each and every feature of the claimed invention.

Applicant respectfully traverses this rejection, at least because O'Neill is not cited as remedying the aforementioned deficiencies of Guo.

Indeed, O'Neill is merely cited for allegedly disclosing means for acquiring setting information. Thus, claims 3, 7, 9, and 10 are allowable for at least the same reasons that the underlying base claims are allowable.

Furthermore, Applicant submits that with respect to dependent claims 3 and 7, the Examiner has failed to meet his burden in establishing that the claimed features are inherent. Indeed, in order to establish that the claimed features are inherent, the Examiner must establish that the inherent features are necessarily present in the applied reference (see M.P.E.P. § 2112 IV.) The Examiner has failed to meet this burden, since he has not shown how *"means for, when a mobile terminal is to be handed over from a current radio access point to which it is currently connected to a new radio access point, transferring information of all sessions that said mobile terminal has set to the new radio access point,"* as recited in claim 3, and similarly recited in claim 7, is necessarily present in Guo.

Therefore, Applicant respectfully submits that Guo in view of O'Neill does not teach or suggest (nor render obvious) each and every feature of the claimed invention. Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection.

IV. NEW CLAIMS

New claims 14-20 have been added to claim additional features of the invention and to provide more varied protection for the claimed invention. The claims are independently patentable because of the novel features recited herein.

Applicant submits that new claims 14-20 are patentable at least because of similar reasons to those set forth above with respect to claims 1-13.

V. FORMAL MATTERS AND CONCLUSION

Applicant has amended the claims in a manner believed responsive to the Examiner's claim objections.

Serial No. 10/512,144
Docket No. NEC03P013-S1b

In view of the foregoing, Applicant submits that claims 1-20, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Date: 03/05/09

Respectfully Submitted,



Farhad Shir, Ph.D.
Registration No. 59,403

Sean M. McGinn, Esq.
Registration No. 34,386

**MCGINN INTELLECTUAL PROPERTY
LAW GROUP, PLLC**
8321 Old Courthouse Road, Suite 200
Vienna, Virginia 22182-3817
(703) 761-4100
Customer No. 21254